

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

<b>DOUGLAS GENE MAYBERRY,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>CIVIL ACTION NO. 3:06cv841-TMH</b>
	)	<b>[WO]</b>
	)	
<b>v.</b>	)	
	)	
<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Defendant.</b>	)	

**ORDER**

Upon CONSIDERATION of the Recommendation of the Magistrate Judge, filed September 27, 2006 (Doc. No. 3), and Plaintiff's Objection, filed October 13, 2006 (Doc. No. 4), it is ORDERED that:

1. Plaintiff's Objection is hereby OVERRULED;
2. the Recommendation of the Magistrate Judge is hereby ADOPTED, APPROVED and AFFIRMED; and
3. the motion filed by Mayberry on September 7, 2006 (Doc. No. 2) is hereby DENIED and this case is hereby DISMISSED, as Mayberry has failed to obtain the requisite order from the Eleventh Circuit Court of Appeals authorizing this court to consider a successive 28 U.S.C. § 2255 motion.

DONE this 23<sup>rd</sup> day of October, 2006.

/s/ Truman M. Hobbs  
SENIOR UNITED STATES DISTRICT JUDGE